

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

WALTER G. STOUDEMIRE, JR.,

Defendant.
_____ /

Case No. 17-20681

Honorable Nancy G. Edmunds

**ORDER DENYING DEFENDANT'S REQUEST FOR
CONSIDERATION UNDER THE FIRST STEP ACT [68]**

Pending before the Court is Defendant's letter motion requesting consideration under the First Step Act. (ECF No. 68.) Defendant is currently in the custody of the Federal Bureau of Prisons at the USP Canaan facility. In his letter, Defendant notes the self-improvement steps he has taken while in custody and asks the Court in general terms whether he is entitled to relief under the First Step Act. Defendant also acknowledges that he is unfamiliar with the terms of the First Step Act and he does not identify a specific legal basis for the relief he seeks. On July 17, 2020, the government filed its response in opposition to Defendant's request. (ECF No. 70).

While the Court commends Defendant for working to improve himself, Defendant is not entitled to the relief he requests. As the Government points out, Defendant was convicted and sentenced to firearm related offenses—not drug (crack cocaine) related offenses. He is not entitled to a reduction of his sentence under the First Step Act.

And to the extent Defendant's letter could be construed as a request for compassionate release under 18 U.S.C. § 3582(c)(1)(A), his request is denied. A district court may not grant a defendant's motion for compassionate release unless the defendant

files it after the earlier of (1) the defendant “fully exhaust[ing] all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf,” or (2) “the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility.” 18 U.S.C. § 3582(c)(1)(A). The Sixth Circuit recently held that this exhaustion requirement is mandatory. *See United States v. Alam*, 960 F.3d 831, 834 (6th Cir. 2020). Here, Defendant has not presented evidence that he satisfied the mandatory administrative exhaustion requirement. Moreover, even if there was an indication that Defendant exhausted his administrative rights prior to submitting his letter, Defendant has not presented evidence demonstrating extraordinary or compelling circumstances warranting his release under 18 U.S.C. § 3582(c)(1)(A) at this time.

For these reasons, Defendant’s letter requesting consideration under the First Step Act is **DENIED**. Defendant’s request for compassionate release is **DISMISSED** without prejudice.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: July 22, 2020

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 22, 2020, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager